

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed House Bill 376 be amended to read as follows:

- 1 Page 2, line 30, after "document" insert **"from another state**
- 2 **agency"**.
- 3 Page 4, after line 33, begin a new paragraph and insert:
- 4 **"Sec. 6. Notwithstanding any other state statute, a state agency**
- 5 **shall disclose an individual's Social Security number to:**
- 6 **(1) an agency of federal, state, or local government; and**
- 7 **(2) a commercial entity that:**
- 8 **(A) is qualified by the attorney general; and**
- 9 **(B) makes a written request for the disclosure of**
- 10 **information;**
- 11 **as set forth in this chapter.**
- 12 **Sec. 7. A commercial entity that applies for qualification with**
- 13 **the attorney general shall use the form prescribed by the attorney**
- 14 **general. An applicant must verify the application for qualification.**
- 15 **Sec. 8. The application for qualification must include the**
- 16 **following information:**
- 17 **(1) Name of the commercial entity.**
- 18 **(2) The officers of the commercial entity.**
- 19 **(3) Information regarding any contractor or subcontractor of**
- 20 **the commercial entity that will have access to the Social**
- 21 **Security numbers obtained by the commercial entity,**
- 22 **including whether any person with access to the information**
- 23 **is confined in a correctional facility.**
- 24 **(4) A statement of the activities of the commercial entity for**

1 which disclosure of the information is necessary.

2 **Sec. 9. (a)** A commercial entity shall be qualified by the attorney  
3 general under this chapter if the commercial entity, its agents,  
4 employees, contractors, or subcontractors are engaged in the  
5 performance of a commercial activity that obtains information,  
6 including Social Security numbers, from a state agency for any of  
7 the following legitimate business or professional uses:

- 8 (1) Verification of the accuracy of personal information  
9 submitted in a commercial transaction.
- 10 (2) Use in a civil, criminal, or administrative proceeding.
- 11 (3) Use in law enforcement activities or the investigation of  
12 crimes.
- 13 (4) An insurance purpose.
- 14 (5) Detecting or preventing fraud.
- 15 (6) The matching, verification, or retrieval of information.
- 16 (7) Research activities.

17 (b) A legitimate business or professional use does not include the  
18 disclosure or bulk sale of Social Security numbers to members of  
19 the general public.

20 **Sec. 10.** The attorney general shall approve or deny an  
21 application for qualification not later than thirty (30) days after  
22 receiving the application. During the thirty (30) day approval  
23 review period, the attorney general may investigate the applicant  
24 to determine whether the applicant satisfies the requirements of  
25 this chapter.

26 **Sec. 11. (a)** The attorney general may deny the application or  
27 revoke the qualification of a commercial entity for:

- 28 (1) failing to complete the application as set forth in section 8  
29 of this chapter;
- 30 (2) failing to meet the requirements set forth in section 9 of  
31 this chapter;
- 32 (3) using an individual's Social Security number obtained  
33 under this chapter from a state agency in an unlawful or  
34 fraudulent manner; or
- 35 (4) disclosing or selling an individual's Social Security number  
36 to members of the general public.

37 (b) The attorney general may not revoke or deny the  
38 qualification of a commercial entity until:

- 39 (1) the commercial entity is notified in writing by the attorney  
40 general of the grounds of the proposed denial or revocation;  
41 and
- 42 (2) the commercial entity is provided with an opportunity to  
43 be heard on the proposed denial or revocation.

44 **Sec. 12.** The attorney general may require a qualified  
45 commercial entity to renew its qualification with the attorney  
46 general's office, but not more than every two (2) years.

47 **Sec. 13. (a)** A state agency shall disclose a Social Security

number to a commercial entity that is qualified under this chapter if the commercial entity completes a written request for the information on a form reasonably prescribed by the attorney general.

(b) A written request to a state agency must include a statement, verified by an authorized officer, employee, or agent of the commercial entity that the Social Security numbers will be used only in the normal course of business for a legitimate business or professional use as set forth in section 9 of this chapter.

(c) Nothing in this chapter shall prohibit the disclosure of Social Security numbers to a business or professional entity that is:

(1) qualified under this chapter; and

(2) engaged in a legitimate business or professional purpose as set forth in section 9 of this chapter.

A state agency may request other information that may be reasonably necessary to verify the identity of the entity requesting the Social Security numbers.

Sec. 14. This chapter does not prevent the reporting of Social Security numbers to or from a consumer reporting agency (as defined in 15 U.S.C. 1681a) or to a debt collector (as defined in 15 U.S.C. 1692a).

Sec. 15. A person who knowingly makes a false representation to the attorney general or a state agency in order to obtain a Social Security number from the state agency commits a Class D felony.

Sec. 16. An employee of a state agency who knowingly discloses a Social Security number in violation of this chapter commits a Class D felony.

Sec. 17. A trial court shall report all convictions under this chapter to the attorney general. If an employee, an agent, or a contractor of a commercial entity that is qualified under this chapter is convicted of an offense under this chapter for actions taken during the course of their employment, agency, or contract, the attorney general may revoke the qualification of the commercial entity for a period of not more than two (2) years.

Sec. 18. Not later than January 31, a state agency must file a report with the secretary of state and the executive director of the legislative services agency that includes:

(1) a listing of all commercial entities that:

(A) are qualified under this chapter; and

(B) have requested Social Security numbers during the preceding calendar year; and

(2) the purpose or purposes stated by each listed commercial entity for its need for receiving Social Security numbers.

Sec. 19. The attorney general may adopt rules under IC 4-22-2 that the attorney general considers necessary to carry out this chapter."

(Reference is to ESB 376 as printed February 15, 2002.)

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Representative Welch